

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANE M. THEISEN,

Plaintiff,

Case No. 1:23-cv-616

v.

Hon.

BRENDA REDMOND,
in her official capacity as Attorney at
UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS,

Defendant.

/

NOTICE OF REMOVAL

Defendant Brenda Redmond, United States Department of Education, by and through her attorneys, Mark A. Totten, United States Attorney for the Western District of Michigan, and Carolyn A. Almassian, Assistant United States Attorney, file this Notice of Removal of the instant case from Berrien County, 2nd Judicial Circuit Court, State of Michigan, for the following reasons:

1. The instant case was originally filed in the State of Michigan, 2nd Judicial Circuit Court for the County of Berrien, on or about May 12, 2023. It is designated as Case No. 2023-0098-CB-H. (Plaintiff's Jury Demand, Summons, and Complaint are attached as Exhibit A.)
2. The United States received notice of Plaintiff's Jury Demand, Summons and Complaint on May 22, 2023.
3. This action is removable pursuant to 28 U.S.C. § 1441(a) and § 1442(a)(1) as it is a civil action commenced in a State Court against the United States.

4. This notice is filed within thirty (30) days after Defendant received a copy of the Summons and Complaint.

5. By filing this Notice of Removal, Defendant does not waive any legal defenses in this matter but expressly reserves its right to raise any and all legal defenses in subsequent pleadings in this Court.

WHEREFORE, Defendant represents that the removal statutes have been complied with and this case stands removed from the Berrien County, 2nd Judicial Circuit Court to the United States District Court for the Western District of Michigan, Southern Division.

Respectfully submitted,

MARK A. TOTTEN
United States Attorney

Dated: June 14, 2023

/s/ Carolyn A. Almassian
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